

OFFICE OF THE CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

November 22, 2005

TO: Ricky J. Hamby
SBI #191377
Howard R. Young Correctional Institution
P.O. Box 9561
Wilmington, DE 19809

RE: Response to your Letter dated 11/16/05, CA 05-626 JJF

Dear Mr. Hamby:

The Court's order dated 10/4/05 required you (the plaintiff) to, "within thirty days from the date this order is sent, complete and return the attached authorization from allowing the agency having custody of him to forward the \$29.14 initial partial filing fee and subsequent payments to the Clerk of Court." The order further noted that "Failure of the plaintiff to return the authorization form within 30 days from the date this order is sent shall result in dismissal of this action without prejudice."

As a result of the Court not receiving your authorization form, the case was dismissed by the Court on 11/10/05. Please note however, that your initial partial filing fee of \$29.14 was received on 10/27/05.

It appears, perhaps incorrectly, that instead of returning your authorization form to the Court as required, you gave it to the business office. The correct procedure requires you to return the form to the Court. The Court docket's receipt of the authorization form and sends a copy to the business office.

In order for the Court to vacate its dismissal order dated 11/10/05, you must submit a signed authorization form to the Court.

Sincerely,
/s/

PETER T. DALLEO
CLERK

/re

cc: The Honorable Joseph J. Farnan, Jr., CA 05-626 JJF